

1 JEFFREY L. WIDMAN  
2 **SHAW GUSSIS FISHMAN GLANTZ**  
3 **WOLFSON & TOWBIN LLC**  
321 N. Clark Street, Suite 800  
3 Chicago, IL 60610  
4 Telephone: (312) 541-1051  
4 Fax: (312) 275-0557

5 JAMIE L. DUPREE  
6 **FUTTERMAN & DUPREE LLP**  
160 Sansome St Fl 17  
7 San Francisco, CA 94104  
7 Telephone (415) 399-3840  
8 Fax: (415) 399-3838  
8 Attorneys for Defendant/Counter Claimant  
9 R.R. Donnelley & Sons Company

10 Robert O. Whyte (SBN 130021)  
Christina A. Dondero (SBN 230616)  
11 **NIESAR & WHYTE, LLP**  
90 New Montgomery Street, 9<sup>th</sup> Floor  
12 San Francisco, California 94105  
13 Telephone: (415) 882-5300  
13 Fax: (415) 882-5400  
14 Attorneys for Plaintiff/Counter-Defendant  
15 PicketFence, Inc. doing  
15 business as SandBox Studio

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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 PICKETFENCE, INC., a California corporation  
21 doing business as SANDBOX STUDIO,

Case No. C 07-1551 JL

22 Plaintiff,  
23 v.  
24 R. R. DONNELLEY & SONS COMPANY, a  
25 Delaware corporation; and DOES 1 through 30,  
inclusive,

STIPULATION AND ~~PROPOSED~~  
ORDER TO AMEND CASE  
MANAGEMENT AND PRETRIAL  
ORDER

26 Defendants  
27 AND RELATED COUNTERCLAIM

1 Plaintiff/Counter-Defendant Picketfence, Inc. and Defendant/Counter-Plaintiff R.R.  
 2 Donnelley & Sons Company (“Donnelley”), by their undersigned counsel, submit this Stipulation  
 3 and Proposed Order to Amend Case Management and Pretrial Order. On December 10, 2008, the  
 4 parties attended a mediation with JAMS Mediator and former Federal Judge Edward Infante.  
 5 While the parties did not settle the case at that time, Judge Infante recommended that the parties  
 6 suspend their discovery efforts four to six weeks thereby reducing their respective attorneys' fees  
 7 and costs so that Judge Infante could further explore the possibility of a settlement and a possible  
 8 second mediation session. Consequently, the parties have temporarily suspended their efforts to  
 9 schedule depositions and conduct further discovery, which in turn, necessitates an extension of  
 10 various deadlines in the case. The stipulation seeks to continue the scheduled trial date and move  
 11 various deadlines for discovery, dispositive motions and court hearing dates scheduled by this  
 12 Court pursuant to its Case Management and Pretrial Order dated September 29, 2008 (Docket  
 13 #101), as amended by the Court pursuant to the parties' Stipulation Regarding Expert Witness  
 14 Deadlines dated November 29, 2008 (Docket #107) as follows:

- 15       1. The discovery deadline of February 11, 2009 is continued to **May 12, 2009**.
- 16       2. The dispositive motion deadline of March 18, 2009 is continued to **June 3, 2009**.
- 17       3. The hearing date for dispositive motions is continued from April 22, 2009 to **July**  
           **8, 2009**.
- 18       4. The case management conference scheduled for April 26, 2009 is continued to  
           **July 8, 2009 at 10:30 a.m.**
- 19       5. The final pretrial conference is continued from May 20, 2009 to **August 5, 2009 at**  
           **11:00 a.m.** in Courtroom F, 15<sup>th</sup> Floor.
- 20       6. The trial date of June 15, 2009 is continued to **August 31, 2009**.
- 21       7. All other provisions and deadlines contained in the Court's Case Management  
           Order shall remain intact.

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1 Dated: January 20, 2009

**NIESAR & WHYTE LLP**

2 By: /s/ Robert O. Whyte

3 Robert O. Whyte

4 **NIESAR & WHYTE LLP**

5 Attorneys for Plaintiff/Counter-Defendant  
6 PicketFence, Inc. d/b/a SandBox Studio

7 Dated: January 20, 2009

**SHAW GUSSIS FISHMAN GLANTZ WOLFSON &  
TOWBIN LLC**

9 By: /s/ Jeffrey L. Widman

10 Jeffrey L. Widman (*Admitted Pro Hac Vice*)

11 **SHAW GUSSIS FISHMAN GLANTZ  
WOLFSON & TOWBIN LLC**

12 Attorneys for Defendant/Counter-Claimant  
R.R. Donnelley & Sons Company

13 Dated: January 20, 2009

**FUTTERMAN & DUPREE LLP**

14 By: /s/ Jamie L. Dupree

15 Jamie L. Dupree

16 **FUTTERMAN & DUPREE LLP**

17 Attorneys for Defendant/Counter-Claimant  
R.R. Donnelley & Sons Company

19 **ORDER**

20 IT IS SO ORDERED:

21 Dated: February 10, 2009

  
The Honorable James Larson